

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Board authorization for use of Boater Improvement Funds to repair and update County owned waterway signage on the St. John's River

DEPARTMENT: Leisure Services

DIVISION: Greenways and Natural Lands

AUTHORIZED BY: Joe Abel

CONTACT: Bryan Nipe

EXT: 2173

MOTION/RECOMMENDATION:

Board authorization for use of Boater Improvement Funds in the amount of \$29,000.00 to repair and update County owned waterway signage on the St. John's River. Funds requested will be allocated to the FY 2009/10 budget.

County-wide

Bryan Nipe

BACKGROUND:

Seminole County installed and is responsible for the maintenance of waterway signage per ordinance 190.133 in three locations on the St. John's River (ordinance with locations attached). Florida Fish and Wildlife Commission (FWC) is requesting this signage be brought up to a satisfactory level with regards to maintenance in order to remain in good standing with respective permits assigned to each marker. Five specific signs/pilings identified by FWC in these areas have been verified by staff with assistance from the Sheriff. A scope was compiled for replacement of signs and pilings in accordance with current Coast Guard guidelines. The successful bid was from a qualified Marine Contractor at \$29,000.

STAFF RECOMMENDATION:

Staff recommends approval by the Board for use of Boater Improvement Funds in the amount of \$29,000.00 to repair and update County owned waterway signage on the St. John's River. Funds requested will be allocated to the FY 2009/10 budget.

ATTACHMENTS:

1. Ordinance
2. Non-compliance Permitted Locations
3. Notify Letter

Additionally Reviewed By:

- ☒ Budget Review (Ben Crawford, Lisa Spriggs)
- ☒ Grant Review (Jennifer Bero, Lisa Spriggs)
- ☒ Revenue Review (Cecilia Monti, Lisa Spriggs)

Sec. 190.117. Powers of Board of County Commissioners.

The Board of County Commissioners of Seminole County is authorized and empowered to and may:

- (1) Prescribe speed limits of such boats in any areas within said County;
- (2) Prescribe areas wherein such boats may not operate;
- (3) Prescribe areas to be used exclusively for swimming or other public purposes;
- (4) Require all watercraft propelled by gasoline or other internal combustion engines to be equipped with mufflers, underwater exhausts, or other suitable devices to deaden sound;
- (5) Prescribe any other reasonable rules or regulations for the operation of motorboats as may be necessary and proper for the safety and welfare of the public generally; provided, however, that each and every such rule or regulation shall be valid only if it shall set forth therein with reasonable accuracy the specifically defined area or areas to be affected by each such regulation. (Ch. 65-2266, Laws, § 7, 6-1-65)

Sec. 190.131. Legislative findings.

The Board of County Commissioners of Seminole County finds that:

- (a) Section 327.60, Florida Statutes, relates to local regulations pertaining to vessels and limitations on local governments as to the regulation of vessels; and
- (b) Section 327.60, Florida Statutes, provides, in pertinent part, that nothing in the State Statutes providing for the regulation of vessels "shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, except that no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter (Chapter 327, Florida Statutes) or any amendments thereto or regulations thereunder"; and
- (c) The statutory definition set forth at Section 327.02(10), Florida Statutes, provides that the Florida Intercoastal Waterway includes "the St. Johns River, Jacksonville to Sanford"; and
- (d) Section 327.22, Florida Statutes, provides additional authority for the local regulation of vessels; and
- (e) Chapter 65-2266, Laws of Florida (1965), provides that the Board of has the authority and power to prescribe speed limits for vessels in any area within the County, prescribe areas within the County where vessels may not operate, and otherwise regulate the use of vessels in the County; and
- (e) There are certain areas within the County that are of interest to the Volusia County Council in order that coordination of speed limits on waters acting as boundaries between the counties can occur; and
- (f) The Florida Department of Environmental Protection previously adopted Rule 62-24.018, Florida Administrative Code, relating to the operation of vessels in certain areas of Seminole County such as Lake Monroe, Lake Jessup, Lemon Bluff and the Osteen Bridge, but the enactment of this Article will provide for local control and regulation of these areas; and
- (g) The provisions of this Article do not conflict in any way with the rules adopted by the Florida Department of Environmental Protection; and
- (h) The areas set forth in this Article warrant increased controls with regard to the speed of vessels utilizing the areas and that the areas of protection within Seminole County which have been established as boating restricted areas should be enforceable as an ordinance violation; and

(i) The Economic Impact Statement required by the Seminole County Home Rule Charter has been prepared and has been made available for public review and copying prior to the enactment of this Article.

(Ord. No. 97-19, § 1, 5-27-97)

Sec. 190.133. Boating safety/idle speed/no wake zones.

(a) The following boating safety/idle speed/no wake zones are established:

(1) An idle speed/no wake zone is hereby established at the Cameron Wight Park Bridge (east of Sanford, Florida) in the area generally described as:

All that part of the Saint Johns River under the said Bridge and north of the Bridge to the location of the utility line guy wire on the east bank of the Cut and 100 feet south of the Bridge to the east and west banks of the Cut,
as depicted in Sketch "A".

(2) An idle speed/no wake zone is hereby established in the area of JJ's Fish Camp (east of Sanford, Florida) in the area generally described as:

All that part of the Saint Johns River and the Cove at JJ's Fish Camp from 100 feet West of the entrance to JJ's Fish Camp to 2,000 feet Easterly along the River,
as depicted in Sketch "A".

(3) An idle speed/no wake zone is hereby established at the C.S. Lee Park Bridge (east of Sanford, Florida) in the area generally described as:

All that part of the Saint Johns River under the said Bridge and from the Bridge northward to Lindsey's Fish Camp and 150 feet north of Lindsey's Fish Camp and 50 feet south of the Bridge all being in the main channel of the Seminole County Side of the main channel,
as depicted in Sketch "B".

(4) A 25-mile per hour speed limit is hereby established in the Lemon Bluff and more generally described as:

All that part of the Saint Johns River from the Southern terminus of Lemon Bluff Road to 3,800 feet Southerly along the River,
as depicted in Sketch "C".

(5) The sketches attached hereto and depicting the areas referred to in subsections (1) through (4) are hereby incorporated into this Article.

(b) This Article is not intended to impart or modify the boating safety/idle speed/no wake zones established in Rule 62N-24.018-(12), Florida Administrative Code, with regard to the Osteen Bridge/State Road 415 area, or the Lemon Bluff area.

(Ord. No. 97-19, § 3, 5-27-97)

7/14/2008

Florida Fish & Wildlife Conservation Commission

Florida Uniform Waterway Marker Project Data Verification

Office of Boating Safety & Waterway Management

FWCC File No.: 91-017 **Project Name:** 91-017 SEMINOLE COUNTY **Date Submitted:** 3/1/1991

Waterway(s): LAKE BRANTLEY

LAKE RENA

SUSIE CHANNEL

Intercoastal Waterway: N

Class: BOATING SAFETY

Applicant: SEMINOLE COUNTY

Contact:

Status: APPROVED

Markers Verified: No

ROBIN BUTLER

JOE ABEL

SEMINOLE COUNTY

140 BUSH LOOP

SANFORD, FL 32773-

Phone: (407)665-5641 Ext:

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Person Responsible For Maintenance:

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County(s): SEMINOLE

Local Governmental Action Establishing Boating Restricted Area: Ordinance #: 72-8 **Date:** **Rule #:** **Date:**

Other Agency Permits/Approval:

Florida Fish & Wildlife Conservation Commission: N

United States Coast Guard (USCG): Y

Army Corps of Engineers (USCOE): Y

FI Dept of Environmental Protection (DEP): N

No Markers for Permit Number: 91-017

Deleted: LONNIE GROOT

1101 EAST FIRST

SANFORD, FL 32771-

Phone: (407)321-

1130 Ext: 7254

Fax:

Suncom:

Deleted: LONNIE GROOT

ASST. CO. ATTORNEY

1101 EAST FIRST

SANFORD, FL 32771-

Phone: (407)321-

1130 Ext: 7254

Fax:

Suncom:

Map This Project

7/14/2008

Florida Fish & Wildlife Conservation Commission

Florida Uniform Waterway Marker Project Data Verification

Office of Boating Safety & Waterway Management

FWCC File No.: 93-036 **Project Name:** 93-036 SEMINOLE COUNTY **Date Submitted:** 6/1/1993

Waterway(s): ST JOHNS RIVER

Status: APPROVED

Intercoastal Waterway: Y

Class: BOATING SAFETY

Applicant: SEMINOLE COUNTY

Contact:

Markers Verified: No

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County(s): SEMINOLE

Local Governmental Action Establishing Boating Restricted Area: Ordinance #: Date: Rule #: 62N-24018

Other Agency Permits/Approval:

Florida Fish & Wildlife Conservation Commission: N

United States Coast Guard (USCG): Y

Army Corps of Engineers (USCOE): Y

FI Dept of Environmental Protection (DEP): N

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Markers

Seq.	Latitude	Longitude	Site	Location	Mount Code	Direction	Symbol	Waterway
1				Shore				ST JOHNS RIVER

Sign Verbiage: UNKNOWN

Map This Project

7/14/2008

Florida Fish & Wildlife Conservation Commission

Florida Uniform Waterway Marker Project Data Verification
Office of Boating Safety & Waterway Management

FWCC File No.: 93-046 **Project Name:** 93-046 SEMINOLE COUNTY **Date Submitted:** 6/1/1993

Waterway(s): INDIAN MOUND SLOUGH

Status: APPROVED

Intercoastal Waterway: N

Class: BOATING SAFETY

Markers Verified: No

Applicant: SEMINOLE COUNTY

Contact:

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County(s): SEMINOLE

Local Governmental Action Establishing Boating Restricted Area: Ordinance #: Date: Rule #: 93-8 Date:

Other Agency Permits/Approval:

Florida Fish & Wildlife Conservation Commission: N

United States Coast Guard (USCG): Y

Army Corps of Engineers (USCOE): N

FI Dept of Environmental Protection (DEP): N

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Markers

Seq.	Latitude	Longitude	Site	Location	Mount Code	Direction	Symbol	Waterway
1	28.804167	-81.220833	RIVER/CREEK	Water	SINGLE PILE	Southeast		INDIAN MOUND SLOUGH

Sign Verbiage: RESUME NORMAL SAFE OPERATION

2	28.804167	-81.220833	RIVER/CREEK	Water	SINGLE PILE	Northwest		INDIAN MOUND SLOUGH
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Sign Verbiage: IDLE SPEED NO WAKE

3	28.8	-81.216667	RIVER/CREEK	Water	SINGLE PILE	Southeast		INDIAN MOUND SLOUGH
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Sign Verbiage: IDLE SPEED NO WAKE

4	28.8	-81.216667	RIVER/CREEK	Water	SINGLE PILE	Northwest		INDIAN MOUND SLOUGH
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Sign Verbiage: RESUME NORMAL SAFE OPERATION

Map This Project

7/14/2008

Florida Fish & Wildlife Conservation Commission

Florida Uniform Waterway Marker Project Data Verification

Office of Boating Safety & Waterway Management

FWCC File No.: 97-056 **Project Name:** 97-056 SEMINOLE CO. C WRIGHT PK/JJ'S **Date Submitted:** 8/1/1997

Waterway(s): ST JOHNS RIVER

Status: APPROVED

Intercoastal Waterway: N

Class: BOATING SAFETY

Markers Verified: No

Applicant: SEMINOLE COUNTY

Contact:

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County(s): SEMINOLE

Local Governmental Action Establishing Boating Restricted Area: Ordinance #: 97-19 **Date:** **Rule #:** **Date:**

Other Agency Permits/Approval:

Florida Fish & Wildlife Conservation Commission: N

United States Coast Guard (USCG): N

Army Corps of Engineers (USCOE): N

FI Dept of Environmental Protection (DEP): N

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Markers

Seq.	Latitude	Longitude	Site	Location	Mount Code	Direction	Symbol	Waterway
1	28.786667	-81.180556	LAKE/POND	Water	SINGLE PILE	South		ST JOHNS RIVER

Sign Verbiage: RESUME NORMAL SAFE OPERATION

2	28.786667	-81.180556	LAKE/POND	Water	SINGLE PILE	North		ST JOHNS RIVER
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Sign Verbiage: IDLE SPEED NO WAKE

Map This Project

7/14/2008

Florida Fish & Wildlife Conservation Commission

Florida Uniform Waterway Marker Project Data Verification

Office of Boating Safety & Waterway Management

FWCC File No.: 97-057 **Project Name:** 97-057 SEMINOLE CO. CS LEE PK/LINSEY **Date Submitted:** 8/1/1997

Waterway(s): ST JOHNS RIVER

Status: APPROVED

Intercoastal Waterway: N

Class: BOATING SAFETY

Applicant: SEMINOLE COUNTY

Contact:

Markers Verified: No

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Person Responsible For Maintenance:

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Deleted: Suncom:

County(s): SEMINOLE

Local Governmental Action Establishing Boating Restricted Area: Ordinance #: 97-19 Date: Rule #: Date:

Other Agency Permits/Approval:

Florida Fish & Wildlife Conservation Commission: N

United States Coast Guard (USCG): N

Army Corps of Engineers (USCOE): N

FI Dept of Environmental Protection (DEP): N

Markers

Seq.	Latitude	Longitude	Site	Location	Mount Code	Direction	Symbol	Waterway
1	28.716111	-81.045556	RIVER/CREEK	Water	SINGLE PILE	South		ST JOHNS RIVER
Sign Verbiage: IDLE SPEED NO WAKE								
2	28.716111	-81.045556	RIVER/CREEK	Water	SINGLE PILE	North		ST JOHNS RIVER
Sign Verbiage: RESUME NORMAL SAFE OPERATION								
3	28.713889	-81.036944	RIVER/CREEK	Water	SINGLE PILE	South		ST JOHNS RIVER
Sign Verbiage: IDLE SPEED NO WAKE								
4	28.713889	-81.036944	RIVER/CREEK	Water	SINGLE PILE	North		ST JOHNS RIVER
Sign Verbiage: RESUME NORMAL SAFE OPERATION								

Map This Project



February 10, 2009

**Florida Fish
and Wildlife
Conservation
Commission**

Commissioners

Rodney Barreto
Chair
Miami

Kathy Barco
Vice-Chair
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

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Assistant Executive
Director

Karen Ventimiglia
Deputy Chief of Staff

**Division of Law
Enforcement**
Colonel Julie Jones
Director

(850) 488-6251
(850) 921-6453 FAX

Managing fish and wildlife
resources for their long
term well-being and the
benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

Mr. or Ms. Robin Butler
Seminole County
140 Bush Loop
Sanford, FL 32773

SUBJECT: Florida Uniform Waterway Marker Permit No. 91-017, 93-036, 93-046, 97-056, and 97-057 issued to Seminole County

Mr. or Ms. Butler:

Previously, the Florida Marine Patrol within the Florida Department of Environmental Protection issued Permit No. 91-017, 93-036, 93-046, 97-056, and 97-057 for the installation of waterway markers in Lake Brantley, Lake Rena, and Susie Channel.

Subsequently, this permitting function was transferred to the Florida Fish & Wildlife Conservation Commission (FWC) Boating & Waterways Section. In accordance with the conditions of your permit and Florida Administrative Code 68D-23.110, you are required to properly maintain your markers and to conduct periodic inspections to determine the condition of your markers.

The inspection and documentation requirements are as follows:

68D-23.110 Inspections and Certification.

(1) Each person holding a permit to place and maintain one or more markers must inspect all markers for which the permit was issued triennially.

(2) The required inspection must be documented in writing and must include the following:

(a) The name of the permit holder and permit number of the markers being inspected;

(b) The name of the person or persons currently responsible for the placement and maintenance of the markers; and

(c) A photograph of each marker taken in close enough proximity to legibly show all symbols, borders, and letters and numbers, including the text of any message, the permit number, and the ordinance number, code section number, statute number, regulation or rule number, (etc.). For marker installations with two or more signs, a sufficient number of photographs must be taken to legibly show the information on each sign. Digital photography is acceptable for this purpose. Photographs must be labeled with the location of the marker depicted and the date the photograph was taken.

(d) A statement certifying that the markers placed pursuant to the permit have been inspected during the ninety days preceding the statement and that:

- 1. The markers are properly maintained and in serviceable condition;*
- 2. The markers conform to the requirements of this chapter;*
- 3. The markers are still properly on station; and*

4. The date or dates on which the markers were inspected.
(3) The permit holder must maintain the inspection documentation until it is replaced by a subsequent inspection and documentation. Failure to inspect a marker and to maintain documentation of the results of the inspection during the specified time period is grounds for rescinding the permit authorizing placement of the marker and for removing or ordering the removal of the marker.

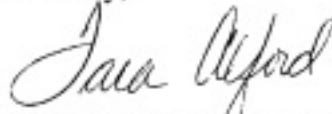
As part of a statewide compliance audit, please submit a copy of your current inspection documentation within 30 days to:

Ms. Tara Alford, Management Analyst
Boating and Waterways Section
Florida Fish & Wildlife Conservation Commission
Division of Law Enforcement
620 South Meridian Street
Tallahassee, Florida 32399-1600

IMPORTANT NOTE: If any of your markers currently present a potential hazard to navigation (e.g. piling broken off near the waterline), it is important that it be removed/repared immediately. Please be aware that you may be liable for any damages or injuries that result from your waterway markers. If your markers have previously been removed or destroyed, please provide written verification that the markers were completely removed and that no hazard remains.

If you have any questions or would like additional information about this matter, please contact Ms. Tara Alford at 850-410-0656 ext. 17169 or by e-mail at tara.alford@myfwc.com. Alternatively, you may contact Rick Harter at 850-580-7956 or by e-mail at rjharter@pbsj.com for more information.

Sincerely,



Ms. Tara Alford, Management Analyst
Boating & Waterways Section
Division of Law Enforcement

TA/rh

Enclosure

cc: USCG
FWC Field Office
Seminole County Sheriff's Marine Unit